## State of Montana STATE LAW LIBRARY Office of the Governor APR 1 4 1997

OF MONTANA



Executive Order No. 5-97

## EXECUTIVE ORDER DECLARING AN EMERGENCY TO EXIST IN THE STATE OF MONTANA

WHEREAS, record winter and spring snowfall continue to accumulate in all Montana river basins, and record snow water content exists within the mid-level and higher elevation snowpack; and

WHEREAS, data provided by members of the State Flood Task Force predict a high probability of significant riverine flooding occurring this spring; and

WHEREAS, the State Flood Task Force predicts that "average" amounts of precipitation this spring could cause several major river basins to flood in proportions that would exceed the current flood of record; and

WHEREAS, any significant change in weather conditions producing a rapid or prolonged warming trend, accompanied by rain, could lead to serious and immediate flood conditions; and

WHEREAS, many local jurisdictions statewide have begun serious efforts to organize resources to respond to flooding events; and

WHEREAS, several local jurisdictions have declared a state of emergency, implemented flood fighting efforts, and experienced damage to their infrastructure from flooding and ice jams; and

WHEREAS, the Disaster and Emergency Services Division continues to coordinate proactive flood preparation activities statewide; and

WHEREAS, the availability and utilization of all necessary state government services, equipment and supplies under this executive order will further the efforts to protect health and safety and to preserve the lives, property and resources of the people of the State of Montana; and

WHEREAS, a proclamation of an emergency authorizes the Governor, under Section 10-3-104(2)(a), MCA, to suspend Section 2-18-501, MCA, to allow reasonable expenditures for food and lodging for activated National Guard and State agency personnel responding to an emergency; and

WHEREAS, an "emergency", as that term is defined in Section 10-3-103(6), MCA, means the imminent threat of a disaster causing immediate peril to life or property that timely action can avert or minimize, and Section 10-3-311, MCA, authorizes the Governor to expend funds from the general fund to meet contingencies and needs arising from an emergency or disaster.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, pursuant to the authority vested in me as Governor under the Constitution of the State of Montana, and Title 10,

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Chapter 3, MCA, and under other applicable statutes, do hereby declare that a emergency exists in the State of Montana due to the imminent threat of flooding.

This Order is effective immediately.

GIVEN under my hand and the GREAT SEAL of the State of Montana, this [0] day of April , 1997.

MARC RACICOT, Governor

ATTEST:

MIKE COONEY, Secretary of State